

## **REMARKS**

The specification has been amended throughout to capitalize trademarked names. No new matter has thus been added. The specification has also been amended as indicated to replace the trade name "Actimid™" with the generic name "pomalidomide". The terms "Actimid™" and "pomalidomide" refer to the same chemical compound, 4-(Amino)-2-(2,6-dioxo(3-piperidyl))-isoindoline-1,3-dione. *See* paragraph starting at page 23, line 8, and "Statement on Nonproprietary Name Adopted by the USAN Council", which is attached hereto. No new matter is thus added by these amendments to the specification.

Claims 1-24 are currently pending in the application. Claims 14-24 are canceled herein without prejudice to Applicants' right to prosecute the subject matter of these claims in a related application. Claims 1 and 13 are amended herein to specify that the method identifies modulators of angiogenesis or vasculogenesis. Support for this amendment is found at least at page 9, lines 28-29 of the present specification. Claims 1 and 13 are also amended to improve syntax. New claims 25-36 are added herein. Support for new claims 25-36 is found in the specification at least as follows:

- 25 Page 50, line 32 to page 51, line 10
- 26 Page 47, lines 18 and 31
- 27 Page 47, lines 18 and 20
- 28 Page 47, lines 16-20
- 29 Page 46, lines 25-27
- 30 Page 46, lines 22 and 25-27
- 31 Page 14, line 28 to page 15, line 3.
- 32 Page 14, line 28 to page 15, line 3.
- 33 Page 12, line 24 to page 13, line
- 34 Examples 1-3
- 35 Example 1
- 36 Page 62, Table 1

No new matter has been added by these amendments.

## **Response to Restriction Requirement**

The Examiner has required election of one of the following groups of claims:

- I. Claims 1-13, drawn to a method of identifying a modulator of angiogenesis; and

II. Claims 14-24, drawn to methods of treatment of a disease or condition associated with inappropriate angiogenesis.

Applicants hereby elect Group I, claims 1-13. Applicants respectfully submit that, because new claims 25-36 each ultimately depend from claim 1, claims 25-36 are part of Group I.

**Response to Species Election Requirement**

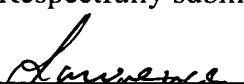
The Examiner further requires election of one of hydrocortisone, epidermal growth factor, or bovine brain extract as "species" of stem cell culture conditions. Office Action at page 4. The Examiner contends that these species are "patentably distinct." *Id.* Solely to respond fully to the species election requirement, Applicants elect hydrocortisone. Claims 1-13 and 25-36 are readable on this species. While Applicants make no admissions regarding the patentability or nonpatentability of each of the cited "species" over the other, Applicants note that the Examiner has not explained why the species are patentably distinct in the context of the invention. As such, the species election requirement, as stated, is improper, and Applicants respectfully request that the Examiner withdraw the requirement. Applicants hereby reserve the right to prosecute claims of other species when generic claims are deemed to be allowable.

**CONCLUSION**

Applicant respectfully requests that the present remarks be made of record in the file history of the present application. An early allowance of the application is earnestly requested. The Examiner is invited to contact the undersigned with any questions concerning the application. No fee is believed to be due for this Preliminary Amendment. Should any fee be required, please charge the necessary amount to Jones Day Deposit Account No. 50-3013

Respectfully submitted,

Date: June 13, 2007

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STATEMENT ON A NONPROPRIETARY NAME ADOPTED BY THE USAN COUNCIL:

USAN

POMALIDOMIDE

PRONUNCIATION

poe" ma lid' oh mide

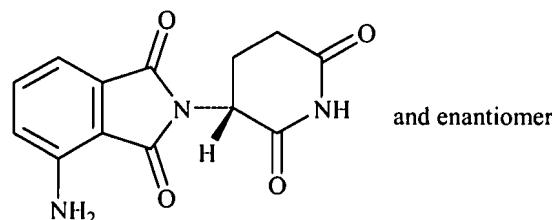
THERAPEUTIC CLAIM

Treatment of cancer

CHEMICAL NAMES

1. 1*H*-Isoindole-1,3(2*H*)-dione, 4-amino-2-(2,6-dioxo-3-piperidinyl)-
2. 4-amino-2-[(3*RS*)-2,6-dioxopiperidin-3-yl]-1*H*-isoindole-1,3(2*H*)-dione

STRUCTURAL FORMULA



and enantiomer

MOLECULAR FORMULA

C<sub>13</sub>H<sub>11</sub>N<sub>3</sub>O<sub>4</sub>

MOLECULAR WEIGHT

273.2

TRADEMARK

None as yet

MANUFACTURER

Celgene Corp.

CODE DESIGNATION

CC-4047, IMiD 3

CAS REGISTRY NUMBER

19171-19-8